

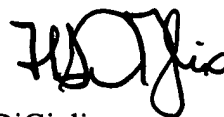
## **REMARKS**

The specification has been amended to add a cross reference to the parent application and the priority document. The specification has also been amended to replace the original Sequence Listing with the attached substitute Sequence Listing. In this regard, Applicants respectfully submit that SEQ ID NOS: 27-31 represent mutant AOX1 sequences where the B element (SEQ ID NO: 17), the C element (SEQ ID NO: 18), the D element (SEQ ID NO: 19), the E element (SEQ ID NO: 20), or the fragment consisting of nucleotides #1-256 (relating to the A element of SEQ ID NO: 16), has been deleted from the wild type AOX1 promoter sequence as set forth in SEQ ID NO: 1. Support for these mutant sequences is found in the specification, e.g., page 16, lines 5-19, the paragraph bridging pages 37-38, and Figure 2 (pADL1, pADL2 and pADL3, pADL4 and pAL132, respectively). Applicants are also providing a substitute Sequence Listing which now includes SEQ ID NOS: 27-31, as well as a verified statement in accordance with §1.821(f). No new matter is introduced by the instant amendment or the substitute Sequence Listing.

Applicants have also added claims 23-24, directed to isolated nucleic acids comprising SEQ ID NO: 30 or 31. Claims 7-8 have also been amended to add references to claims 23-24. These amendments to the claims are supported by the original claims and the specification, e.g., pages 37-38, and Figure 2. No new matter is introduced.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. DiGiglio', with a stylized flourish at the end.

Frank S. DiGiglio  
Registration No. 31,346

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343  
XZ:ab